

REMARKS/ARGUMENTS

Claims 3, 4, 7, 8, 10, 14-17, 19, 20, 23, 24, 27, 28 and 30-36 are pending in this application. Of these pending claims, Claims 3, 4, 7, 8, 10, 14-17, 19, 20, 23, 24, 27, 28 and 30-36 stand rejected. By way of this paper, independent Claims 32-34 have been amended. No Claims have been cancelled and no new Claims have been added.

The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the application in condition for allowance.

Claim Rejections – 35 U.S.C. § 112

Claims 32-34 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. By way of this paper, Claims 32-34 have been amended to particularly point out and distinctly claim the subject matter which Applicants regard as the invention so as to overcome the rejection under 35 U.S.C. § 112, second paragraph.

More particularly, antecedent basis has been provided in, e.g., line 14 of claim 32 for the limitation “editing functions” in lines 27-28 of claim 32. Similar amendments have been provided in claims 33 and 34 (in claim 33, the first reference to “editing functions” has been changed to “a set of editing functions” to emphasize that this is its first recital in the claim). The request of the Examiner on page 2 of the Office Action to improve the clarity of the limitation “different classes of users based on their level of access” (found on line 24 of claim 32) is believed to be met by describing the classes of users as well as the nature of the access, which happens to be based upon an election by the photographer. For instance, referring to claim 32, this matter of form is addressed as follows:

wherein said ordering interface comprises a graphical user interface organized in different subsets that are available to different classes of users identified by the event profile for a particular event, said classes of users including at least a photographer as well as event hosts and guests that are customers of the photographer and who have optional viewing and editing privileges based upon their level of access as elected by the photographer, wherein at least one subset of the interface provides

access to the editing functions of the imaging profiler to enable at least one class of user, including at least one of the photographer and the event hosts, to select, arrange, sequence and caption the images and otherwise prepare them for presentation to customers and at least one other subset of the interface provides a more limited range of functions excluding said editing functions to enable another class of user including at least the guests to access image viewing and print ordering functions...(added language underlined; from claim 32, lines 21-34; similar language in claims 33 and 34)

These additional clarifications are also believed to answer the Examiner's request, that is, to more clearly distinguish between "...at least the guests, users, event participants, and customers, as it appears all four are redundant and thus indefinite". The reference to classes of users and to levels of access elected by the photographer for these classes is found on page 3, lines 5-14; page 3, line 27 - page 4, line 6; page 13, lines 2-11 and page 14, line 32 - page 15, line 4 of the International Application.

As such, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 112, second paragraph, rejections of Claims 32-34.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 3, 4, 7-8, 10, 14-17, 19-20, 23, 24, 27-28 and 30-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Garfinkle et al., U.S. Patent No. 6,017,157, in view of PhotoNet.

As the Examiner acknowledges, Garfinkle fails to explicitly teach an event attended by one or more event hosts and guests and an event profile including separate logins for the event host and guests that grant different levels of access. Notwithstanding the deficiencies of Garfinkle, the Examiner goes on to argue that it would be obvious to have Garfinkle's photographer attend an event to photograph subjects and then to provide the subjects with limited access to order prints from the index of prints as "Garfinkle teaches limited access control and unique accounts and passwords being given for the appropriate parties and that such appropriate parties, such as those being photographed would have interest in ordering prints of themselves at the event" (page 14 of the Office Action).

As understood by Applicants, Garfinkle describes a system in which a photographer (i.e., anyone with a camera) takes pictures (film or digital) and brings them to a developer 12 (e.g., a photo lab or camera shop, col. 8, lines 38-40) from which they are developed, scanned, and/or uploaded to one or more image servers (col. 2, lines 60-61). The photographer is then given “selective authorized access” to the images on the server(s) to view, e-mail and download the images, and order prints and other photographic merchandise based on the images. PhotoNet describes a simple and convenient way to view, store, share and enhance photos on the Internet, based on a customer dropping off film at a participating dealer who has the film developed into prints as well as scanned and put on a website on the Internet. The customer automatically receives an e-mail when the order is ready to be picked up, and when picked up receives a film ID access code and a web site address to access and view the online photos. The customer can allow others to view the photos by sharing the access code and website address. With PhotoNet, the customer can perform certain other functions, such as downloading or e-mailing the photos or ordering copies of the photos.

Applicants maintain their position that Garfinkle (and with the latest rejection, PhotoNet as well, either alone or in combination with Garfinkle) does not suggest to one of ordinary skill how a photographer and event organizer (i.e., an event host) separately organize the images and make them available to customers via the provider. For instance, referring to page 3, lines 15-34 of the International Application, Applicants’ invention describes a system where the photographer creates an initial event profile including separate logins for the event’s hosts and guests. Referring to page 14, lines 32-37 and page 13, lines 2-11 of the International Application, this enables the photographer to elect different levels of access for the event’s hosts and guests, e.g., where the host (and the photographer), but not the guests, can edit and arrange photos and otherwise prepare them for presentation. As expressed in the claims 32-34, “the event host and guests are granted different levels of access to the ordering interface based upon their separate logins”. Moreover, as expressed in the present amendment to address matters of form in connection with the section 112 rejection of claims 32-34, the ordering interface

... comprises a graphical user interface organized in different subsets that are available to different classes of users identified by an event profile for a particular event, said classes of users including at least a photographer as well as event hosts and guests that are customers of the photographer and who have optional viewing and editing privileges based upon their level of access as elected by the photographer, (from claim 32, lines 21-26; similar language in claims 33 and 34)

There is nothing in Garfinkle in combination with PhotoNet that would suggest to one of ordinary skill in the art how to modify the disclosed interface to accommodate different classes of users with different levels of access, particularly where some classes have optional viewing and editing privileges based upon their level of access as elected by the photographer. Neither Garfinkle nor PhotoNet, alone or in combination, teach permitting the photographer to elect optional viewing and editing privileges for different classes of users.

Accordingly, independent claims 32-34 are believed to be allowable under 35 U.S.C. § 103(a) over Garfinkle et al. in view of PhotoNet for the reasons as expressed above. Claims 3, 4, 7-8, 10, 14-17, 19-20, 23, 24, 27-28, 30, 31, 35 and 36 depend either directly or indirectly from independent claims 32-34 are therefore are believed to be allowable under 35 U.S.C. § 103(a) over Garfinkle et al. in view of PhotoNet for the reasons as expressed above in connection with claims 32-34.

Recognizing that this response is after a Final Rejection, Applicants believe that any amendments to the claims in this response, which will place the case in condition for allowance, comply with objections or requirements as to form and do not raise any issue of new matter or present new issues requiring further consideration or search. Since these amendments are now being offered after consideration of the Examiner's rejection of the claims 32-34 under 35 USC §112, second paragraph, and where any amendment that would allegedly touch the merits of the application is entirely peripheral to meeting the objections or requirements as to form, this should now constitute a sufficient showing of good and sufficient reasons as to why the amendments are now necessary and were not earlier presented. Thus, these amendments are believed to comply with the requirements in 37 CFR 1.116 for the entry of an amendment after a final

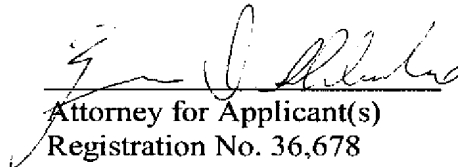
rejection, thereby placing the case in condition for allowance or, at the minimum, in better form for consideration on appeal.

CONCLUSION

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,


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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.